

Unto His Grace, his Majesties High Commissioner,
and the Right Honourable the Estates of Parliament,

The PETITION of
George Earl of Southerland

Humbly sheweth,

THat where your Petitioner having given his only Daughter in Marriage to the Viscount of *Arbuthnot*, with whom I gave a very considerable Portion; And did Tailzie my Estate to their Children, falling of my Son *Strathnaver*, and his Heirs. The Viscount was in *August* last suddenly pulled off by a violent Fever, leaving behind him seven Fatherless Children, whereof there is a Son, and five Daughters, (beside the Heir) quite destitute of any Provisions whatsoever: To thir Children there was no Tutor nominat, by the Defunct; only there was some Relations of my Lords about him the time of his sickness, who contrived a Testament, wherein they caused name themselves Tutors, without any warrant or desire from the Viscount, and *in extremis* got him to Subscribe it, without ever reading or resuming the Contents thereof to him. This was contrived altogether without my Daughters Knowledge, who was but immediatly brought to bed of a Child, scarce able to stir from her Chamber. And no sooner was my Lords Breath out, than the foresaids Friends did without making any Inventar, meddle with the Wreits, and began to use my Daughter most indiscreetly, which forced her to intent Reduction of this pretended Testament, wherein the last Winter Session she most justly prevailed.

Thereafter *Alexander Arbuthnot* of *Knox*, did endeavour to get himself served Tutor in Law, who was one of these pretended Tutors Testamentar, against whom there was a great many just Objections Proponed for my Daughter and her Orphants; so that his Service could not proceed. But my Daughter being now (at the Pleasure of Almighty God) called off the Stage of this World, the Children are now not only Fatherless, but Motherless, without Provisions, and Destitute of Tutors, and have none to look after and take care of them, save your Petitioner and my Wife, who are now their only surviving Parents. Conform to the Law of God and Nature, I am most willing to do my utmost Endeavours for their Well-being, and for the Preservation of the Family, if enabled by Your GRACE, and Honourable ESTATES of Parliament; by whose Authority, I can only be in Condition to defeat the Contrivances of *Knox*, and other self interested Men against that Estate, so as to preserve the same from ruine.

For doing whereof, the Means I propose are shortly these, *viz.* That with me there be so many Friends on the Father-side, and as many on the Mother-side, Authorized by Your Grace and Lordships to manage the Fortune, with Power to us to Farm the same, if it appear most for the Heirs Advantage; and with Power to us to Sell, and Dispose upon the *hail Moveables*, for payment of the most pressing Debts, that so the Legal Diligence of Creditors which heaps Burden, may be prevented.

And that we be Impowered, to choise and appoint a Factor under us, allowing him a Sallary to uplift the Rents, and Expens the same, in payment of publick Burdens, Ministers and School-Masters Sripends, Annuitrents, Childrens Aliment, (so be Modified) and Principal Sums, as far as the same will extend. The which Factor being yearly to make his Accompts to us here at *Edinburgh*, to the sight of one of the Lords of Session, in the Month of *January*, that from year to year, we may remove or continue him, conform to his just Management.

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As also, your Petitioner craves, We may be Authorized, to call *Alexander Innes*, and all other Persons whatsoever, who have had any Intromission with the Estate, or Writes, either in this, or the deceast Viscount's time, to an Account.

And that we be Impowred, to make Inventar of the whole Writes that belong to the deceast Viscount; whether in his Closet, Cabinet, or Escritor, or in any other place whatsoever. And further, I humbly desire we may have Power, to dispose upon the Viscount, his Brother, and Sisters, under the Custody of such Persons, and in such Places, as we shall find may be most for their Good and Advantage; that they may be trained up in the fear of God, and well Principled to the present Government, both as to the Church and State, by what is above represented, it is hoped your Grace and Lordships, will be convinced, that I design nothing but the good and welfare of the poor Children, and the Preservation of the Family. As also that ye will think it but just, that I, with the Concurrence and Assistance of the Friends afternamed, should have the trust of their Affairs and Persons, who are not only their Grandfather, but have Entailed my Estate to them, failing my Son, and the Heirs of his own Body.

The Persons your Petitioner nominats to share of this Trust, are, Mr *John* and *Alexander Arbuthnots*, Brothers to the Deceast Viscount, and *Alexander Arbuthnot* of *Knox* his Uncle, *John Arbuthnot* of *Fiddes*, and *John Arbuthnot* of *Caterlanle*, who are Grand-Children of the Family, on the Fathers side.

And with Me, the Earl of *Forfar*, Lord *Strathnaver*, Lord *Rutven*, and Sir *James Ogilvie* His Majesties Solicitor, on the Mother side. And in case of the Death or Absence out of the Kingdom, of any of the foresaid Friends, or their refusal to accept; It is craved, that your Petitioner, with concurrence of those who are present within this Kingdom, and do accept, may have Power, to act and exercise the Power to be given us; And to elect and choose others in place of those who shall happen to be dead, out of the Kingdom, or not accept, as said is. By this Proposal, *Knox*, who pretends to be Tutor in Law; can have no Reason to Complain (without demonstrating that he designs not the Welfare of the Children and Family, but his Self-Ends, he being thereby to be admitted to as great a share of the management of my Lord *Arbuthnots* Affairs, as your Petitioner, who am his Grand-Father, and has Tailzied my Estate to him as aforesaid.

And it is further craved, that Your Grace and Lordships would Authorize and Impower us, to Corroborat the Minut entered into by the deceast Viscount, with his Brother Mr. *John*, whereby for an adequat Prize, he Sells and Disposes to him the Lauds and Barrony of *Fordon*, that so the Remainder thereof yet resting, may be payed to us, that we may imploy the same, for the payment of the most pressing Creditors as we see cause.

And as concerning the younger Children, who are destitute of Provisions, being in number six, one Son and five Daughters. It is hoped, Your Grace and Lordships, will take their hard Circumstances to Your just Consideration, so as to appoint them competent Provisions, suitable to their Rank and Quality, and what has been given to younger Children of the same Family in former Generations, the Estate being now as well as then, in Condition to allow the same; or at least that ye will appoint them such large Aliments, as by frugal Management may not only Entertain them during Nonage, but may be competent Portions for them thereafter, that so they may not be Beggars, by the misfortune of their not being Provided before their Fathers death.

May it therefore please Your Grace, and the Honourable Estates of Parliament, to take the Premises to Your serious Consideration, which Aims at nothing, but the Good of Poor Orphants, and the preservation of an old Family. And in Respect thereof, to make an Act in Favours of the Viscount of *Arbuthnot* his Brother and Sisters, Authorizing Your Petitioner, and the foresaid Friends in the Premises, and appointing Portions, at least such Aliments for the Viscounts Brother and Sisters, as you shall think just for the Effect aforesaid.

And Your Petitioner shall ever Pray.

